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*Attorneys for Defendants Rymark, Inc.,
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and Vicky Small*

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CAPANA SWISS ADVISORS AG, a Swiss corporation; AMERIMARK AUTOMOTIVE AG, a Swiss corporation,

Plaintiffs,

vs.

RYMARK, INC., a Utah corporation; NICHOLAS THAYNE MARKOSIAN, an individual; JOHN KIRKLAND, an individual; and VICKY SMALL, an individual,

Defendants.

And Related Counterclaims and Third-party
Claims

**STIPULATED MOTION FOR
AMENDED SCHEDULING ORDER
(MOTION)**

Case No. 2:23-cv-00467
Judge: Hon. Ted Stewart
Magistrate Judge: Hon. Cecilia M. Romero

Pursuant the Court's Order in the hearing on September 18, 2025 (scheduled at Dkt. No. 322) on the Plaintiffs' Rule 16 Motion for Amended Scheduling Conference (Dkt. No. 297), the Parties hereby enter the Proposed Scheduling Order attached as **Exhibit A** hereto. Amended dates are bolded.¹

Dated: September 19, 2025

PARSONS BEHLE & LATIMER

/s/ Sarah E. Diamond
(signed with permission of Sarah E. Diamond)
Erik A. Christiansen
Hannah J. Ector

VENABLE LLP
John Worden (*Admitted Pro Hac Vice*)
Sarah E. Diamond (*Admitted Pro Hac Vice*)

Attorneys for Plaintiffs Capana Swiss Advisors AG and AmeriMark Automotive AG, and Third-Party Defendants Shaen Bernhardt, Martin Fasser Heeg, Stefan Kammerlander, and AmeriMark Group AG

Dated: September 19, 2025

PARKINSON BENSON POTTER

/s/ Clifford B. Parkinson
Brennan H. Moss
Clifford B. Parkinson

Attorneys for Rymark, Inc., Nicolas Thayne Markosian, John Kirkland, and Vicky Small

¹ Mr. Leshem submits, respectfully, that this Court does not have personal jurisdiction over him and he has filed a renewed Motion to Dismiss (Dkt. No. 301) on numerous grounds, including that this Court does not have personal jurisdiction over him.

As such, Mr. Leshem, in an abundance of caution, reserves his rights, and waives none, to obtain new or revised scheduling deadlines that are (a) consistent with his status in this case after resolution of Mr. Leshem's motion to dismiss, and (b) otherwise reasonable and necessary to protect Mr. Leshem's right to participate fully in this case, including all pre-trial discovery.

Additionally, Third-Party Plaintiffs reserve their rights to seek relief from the Court that is reasonable and necessary to take discovery from Mr. Leshem should he not be dismissed in this case, since the Court has found that: "It would be prejudicial to not allow Defendants limited time to engage in fact discovery given Leshem and AmeriMark Group were added later in the matter." (Dkt. No. 283, at 3).

Dated: September 19, 2025

MCNEILL | VON MAACK²

*/s/ Christopher M. Von Maack
(Signed with permission of Christopher M. Von
Maack
Christopher M. Von Maack*

LAW OFFICES OF ANDREW B. PERETZ PA
Andrew Peretz

*Attorneys for Third-Party Defendant Ashley
Miron Leshem*

² Counsel for Third-Party Defendant Ashley Miron Leshem has signed for the sole purpose of informing the Court that Mr. Leshem submits, respectfully, that this Court does not have personal jurisdiction over him and he has filed a motion to dismiss on numerous grounds (Dkt. No. 301), including that this Court does not have personal jurisdiction over him. As such, Mr. Leshem, in an abundance of caution, reserves his rights, and waives none, to obtain new or revised scheduling deadlines that are (a) consistent with his status in this case after resolution of Mr. Leshem's motion to dismiss, and (b) otherwise reasonable and necessary to protect Mr. Leshem's right to participate fully in this case, including all pre-trial discovery.

CERTIFICATE OF SERVICE

In accordance with Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on September 19, 2018, I filed the foregoing a true and correct copy of the foregoing **STIPULATED MOTION FOR AMENDED SCHEDULING ORDER (MOTION)** via the Court's CM/ECF system, which provided notice of such filing to all counsel of record.

/s/ Clifford B. Parkinson

